

STATE OF SOUTH CAROLINA

**In Re: Application of Time Warner Cable
Information Services (South Carolina) LLC, d/b/a
Time Warner Cable to Amend its Certificate of
Public Convenience and Necessity to Provide
Telephone Services in the Service Area of Farmers
Telephone Cooperative, Inc. and for Alternative
Regulation**

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

**DOCKET
NUMBER:**

(Please type or print)

Submitted by: Bonnie D. Shealy
Address: Robinson, McFadden & Moore, P.C.
PO Box 944
Columbia, SC 29202

SC Bar Number: 11125
Telephone: (803) 779-8900
Fax: (803) 252-0724
Other: _____
Email: bshealy@robinsonlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously**
- ☒ **Other:** Motion for Protective Treatment and Basis for Filing Exhibit 3 as Trade Secret

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO.

In Re:

Application of Time Warner
Cable Information Services
(South Carolina) LLC, d/b/a Time
Warner Cable to Amend its
Certificate of Public
Convenience and Necessity to
Provide Telephone Services in
the Service Area of Farmers
Telephone Cooperative, Inc. and
for Alternative Regulation

CERTIFICATE OF SERVICE

This is to certify that I, Leslie Allen, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Motion for Protective Treatment and Basis for Filing Exhibit 3 As Trade Secret** in the foregoing matter by causing a copy of same to be hand delivered, in an envelope addressed as follows:

Dan F. Arnett, Chief of Staff
Office of Regulatory Staff
1441 Main Street, 3rd Floor
Columbia, SC 29201

Dated at Columbia, South Carolina this 22nd day of August, 2008.



Leslie Allen

)	Docket No.
In Re: Application of Time Warner Cable Information)	
Services (South Carolina) LLC, d/b/a Time)	
Warner Cable to Amend its Certificate of Public)	
Convenience and Necessity to Provide)	
Telephone Services in the Service Area of)	
Farmers Telephone Cooperative, Inc. and for)	
Alternative Regulation)	
)	

Introduction

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Time Warner Cable Information Services (South Carolina), LLC
290 Harbor Drive
Stamford, Connecticut 06902

2. Correspondence or communications regarding this Motion should be addressed to:

Frank R. Ellerbe, III, Esquire
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
P.O. Box 944
Columbia, SC 29202
Tel: 803-779-8900
Fax: 803-252-0724
fellerbe@robinsonlaw.com
bshealy@robinsonlaw.com

and

C. Bradley Hutto
Williams & Williams
Post Office Box 1084
Orangeburg, South Carolina 29115
Telephone (803) 534-5218
Facsimile (803) 536-6544
cbhutto@williamsattys.com

and

Julie P. Laine
Time Warner Cable
290 Harbor Drive
Stamford, CT 06902
Telephone: (203) 328-0671
Facsimile: (203) 328-4042
julie.laine@twcable.com

I. Description of Confidential Information.

3. Applicant submitted as *Exhibit 3* TWCIS' 2007 Telecommunications Company Annual Report. The Annual Report contains proprietary business information, the public

disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

II. Grounds for Claim of Confidentiality.

4. The Commission concluded in Order No. 2004-213 and Order No. 2005-385(A) that TWCIS is financially qualified to provide telephone services in South Carolina. TWCIS does not issue annual reports or submit financial statements to the Securities and Exchange Commission. The information contained in the Annual Report as attached as *Exhibit 3* to the Application is not readily available to persons external to TWCIS.

5. Because the Annual Report submitted by TWCIS in support of the Application contains confidential and commercially-sensitive information from which its competitors may derive economic value, TWCIS seeks to protect such material from public disclosure. TWCIS derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's Annual Report is a "trade secret" as that term is used in South Carolina Trade Secrets Act. S.C. Code Section 39-8-20(5). Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which TWCIS provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. TWCIS clarifies herein that its request for protection applies only to the document attached as *Exhibit 3* to the Application. TWCIS is not seeking protection of any type for those reports TWCIS is required to file with the Office of Regulatory Staff ("ORS") should the relief

sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

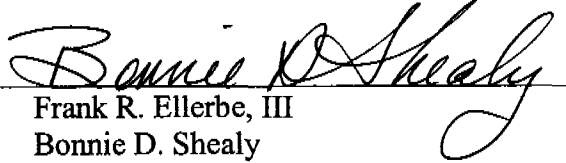
CONCLUSION

7. The audited financial information included in support of TWCIS Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to TWCIS as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required TWCIS to make this information available to the public. For all these reasons, the financial statement attached as *Exhibit 3* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, TWCIS respectfully request that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the Annual Report attached as *Exhibit 3* to the Application of TWCIS to amend its Certificate of Public Convenience and Necessity to Provide Telephone Services in the Service Area of Farmers Telephone Cooperative, Inc. and for Alternative Regulation within the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 22nd day of August, 2008.

ROBINSON, MCFADDEN & MOORE, P.C.

By 
Frank R. Ellerbe, III
Bonnie D. Shealy
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, SC 29202
Telephone: (803) 779-8900
fellerbe@robinsonlaw.com
bshealy@robinsonlaw.com

and

C. Bradley Hutto, Esquire
Williams & Williams
Post Office Box 1084
Orangeburg, South Carolina 29115
cbhutto@williamsattys.com
Telephone 803-534-5218
Facsimile 803-536-6544

Attorneys for Time Warner Cable Information
Services, (South Carolina), LLC

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**APPLICATION OF TIME WARNER CABLE INFORMATION SERVICES
(SOUTH CAROLINA) LLC, D/B/A TIME WARNER CABLE**

EXHIBIT 3

**TWCIS 2007 TELECOMMUNICATIONS COMPANY
ANNUAL REPORT**

**CONFIDENTIAL & PROPRIETARY
FILED UNDER SEAL**